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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,095	09/28/2001	Mark E. Nagel	705581US1	6696

24938 7590 11/24/2006

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/967,095	Applicant(s) NAGEL ET AL.	
	Examiner Ronald Laneau	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,6-8,12-14,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,6-8,12-14,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The response filed on 09/19/06 has been entered. Claims 4, 6-8, 12-14, 18 and 19 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 6-8, 12-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al (US 5,970,475)-in view of Yang (US 2002/0120550 A1).

As per claims 4, 12-14, 18 and 19, Barnes discloses a method of procuring goods and services through a computer based market center system having a website accessible by a plurality of entities via the Internet (see abstract, lines 1-5), including the steps of: arranging with a plurality of suppliers, each having an Internet website, to participate in offering goods and services to the entities via the website of the market center system (col. 3, lines 48-55); negotiating with at least a subset of said suppliers prices for their respective goods and services at which said entities can purchase the respective goods and services (col. 4, lines 12-18); allowing said entities to place orders with any of the at least a subset of suppliers for respective goods and services via purchaser websites and the market center website (col. 8, lines 49-55); and allowing said entities an option of obtaining via purchaser websites and the market center website a price quotation from any of the at least a subset of suppliers (col. 8, lines 36-38).

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Barnes does not disclose collecting information and determining the quotes but Yang discloses collecting information on said purchases made by said entities via said computer based market center system and on quotes received directly from said suppliers by said entities and analyzing said information at said computer based market center system (page 2, [0022], claim 5, fig. 2); and determining if any quotes were goods or services having a previously negotiated price and if so, whether said quotes for that good or service were at prices more favorable than said previously negotiated prices (page 3, [0032]-[0039]).

It would have been obvious to one of ordinary skill in the art to utilize the information collection and the quote and price negotiation as taught by Yang into the system of Barnes because it would provide enough information that causes the enterprise to make correct decisions at critical moment of the transaction process.

As per claim 6, Barnes et al teach a method the steps providing links on said computer based system to computer based systems of said suppliers having information about said suppliers' goods and services and allowing said entities to access said suppliers' computer based systems via said links on said computer based system to view said information about said suppliers goods and services (col. 7, lines 60-62).

As per claims 7 and 8, neither Barnes not Yang discloses a method wherein a plurality of entities having a common relationship comprise a franchise and individuals that are members of a club but the examiner takes the Official notice that since the authorized user is part of an organization making purchase for said organization through electronic commerce it is imperative that the authorized user is a member of said organization which may in turn be a franchise as claimed.

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As per claim 12, Barnes discloses a method wherein information concerning purchases made by and quotes obtained by said entities via said computer based system are stored in a database (col. 8, lines 36-38).

As per claims 13 and 14, Barnes discloses a method including the steps of a host organization (Bank) paying said suppliers for purchases made from said suppliers via said computer based system by said entities and said host organization (Bank) billing said entities for said purchases, further including the step of said host organization operating said computer based system (col. 3, lines 39-43).

Response to Arguments

4. Applicant's arguments filed on 09/19/06 have been fully considered but they are not persuasive.

Applicant argues that the examiner fails to make a prima facie case of obviousness since there is no suggestion or motivation to modify the references or combine reference teachings so as to arrive at the claimed invention. In response to applicant's arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Applicant further argues that Boyd does not disclose a system that determines if current quote have a previously negotiated price and whether the current quote is at more favorable price than the negotiated price. In

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response to Applicant's arguments, Yang discloses a price negotiation system wherein the system can actually interact with a user to negotiate the price and enter the purchase negotiation system to perform the negotiation process. Applicant's arguments are deemed unpersuasive and claims 4, 6-8, 12-14, 18 and 19 are finally rejected.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

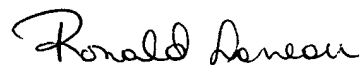
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Examiner
Art Unit 3714

11/14/06

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